

MINUTE ENTRY December 9, 2004

9:55 a.m.

UNITED STATES OF AMERICA -v- ZHU, LIAN KUN

PRESENT: Hon. Alex R. Munson, Chief Judge
Sanae Shmull, Court Reporter
K. Lynn Lemieux, Clerk of Court
Patrick Smith, Assistant U. S. Attorney
F. Matthew Smith, Court appointed attorney for Defendant
Zhu, Lian Kun, Defendant

PROCEEDINGS: JURY TRIAL - Day Five (Thursday)

Government by Patrick Smith, AUSA. Defendant was present with F. Matthew Smith, Court appointed counsel. Defendants' Interpreter/Translator, Jean Shi was present. Also present was Ray Renguul. 12 regular jurors and 1 alternate jurors were present.

Government began opening argument at 9:55 a.m. and finished at 10:35 a.m.

Defense began his opening argument at 10:37 a.m. and concluded at 11:10 a.m.

Government began his final rebuttal argument at 11:10 a.m. and ended at 11:20 a.m.

Court recessed at 11:25 and reconvened at 11:40 a.m.

Court read instructions to the jury.

The Alternate Juror was excused. The Bailiff's were sworn and the Jury was given the case to begin deliberation at 12:15 p.m.

Court recessed at 12:15 p.m.

Jurors were escorted to lunch at 12:20 p.m. and returned at 1:50 p.m. to continue deliberation.

Court received a note from the jury at 2:55 p.m. and all parties were called to return to the Court.

At 3:35 p.m. Court reconvened with all parties present.

The verdict was read and recorded as follows: In the United States District Court of the Northern Mariana Islands, United States of America -vs- Zhu, Lian Kun, Defendant, in Criminal Case 03-00018, VERDICT. We, the jury, render the following unanimous verdict as to Counts One through Three of Indictment: Count One: Distribution of methamphetamine in the form commonly known as "ice" on or about August 28, 2003: GUILTY. If you found the defendant guilty on Count One, did you unanimously find beyond a reasonable doubt that the defendant distributed at least approximately .34 grams of methamphetamine in the form commonly known as "ice"? YES.

Count Two: Distribution of methamphetamine in the form commonly known as "ice" on or about August 29, 2003: GUILTY. If you found the defendant guilty on Count Two, did you unanimously find beyond a reasonable doubt that the defendant distributed at least approximately 2.5 grams of methamphetamine in the form commonly known as "ice"?

YES. Count Three: Distribution of methamphetamine in the form commonly known as "ice" on or about September 24, 2003: GUILTY. If you found the defendant guilty on Count Three, did you unanimously find beyond a reasonable doubt that the defendant distributed at least approximately 9.7 grams of methamphetamine in the form commonly known as "ice"? YES. Signed by the jury foreperson and dated December 9, 2004. Certification. I, as foreperson, certify that the above decision represents the unanimous verdict of each and every juror in this cause. Signed by the foreperson and dated December 9, 2004.

The jurors were thanked and excused.

Court set sentencing for Tuesday, March 15, 2005 at 9:00 a.m.

Government moved for a remand of the defendant into the custody of the U. S. Marshal. Defense argued against the remand. Court revoked the defendant's liberty and remanded him into the custody of the U.S. Marshal.

Adjourned at 3:53 p.m.

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Applies to: DFT Zhu, Lian Kun [TTP EOD 12/09/2004]